

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

Case No. 2:22-cv-00125-JRG

JURY TRIAL DEMANDED

**PLAINTIFF ENTROPIC COMMUNICATIONS, LLC'S OPPOSED
MOTION FOR LEAVE TO FILE OUT OF TIME PLAINTIFF'S
SUPPLEMENTAL MOTION TO STRIKE OPINIONS OF CHRISTOPHER
BAKEWELL**

Plaintiff Entropic Communications, LLC (“Entropic”) respectfully requests that the Court grant Entropic leave to file its Supplemental Motion to Strike Opinions of Christopher Bakewell out of time for good cause shown. Entropic’s underlying supplemental motion concerns Mr. Bakewell’s Second Supplemental Expert Report Regarding Damages, which was served on September 25, 2023—two weeks after the deadline to file motions to strike. *See* Dkt. 195; *see* Shimota Decl., ¶ 2, Ex. A. Entropic’s Supplemental Motion to Strike is contingent upon this Court’s denial of Charter Communications, Inc.’s (“Charter”) Opposed Motion to Amend the Docket Control Order, which was filed on September 26, 2023. *See* Dkt. 216. In Charter’s Opposed Motion to Amend the Docket Control Order, Charter seeks leave to serve Dr. Almeroth’s supplemental rebuttal expert report after the close of expert discovery. *Id.* at 1–3. Although the Court has yet to decide Charter’s Opposed Motion, Charter served Dr. Almeroth’s Second Supplemental Expert Report on September 26, 2023. Shimota Decl., ¶ 3, Ex. B. On October 11, 2023, Entropic filed its opposition to Charter’s Opposed Motion for failure to show good cause. *See* Dkt. 259. The following day, Entropic reached out to Charter to request a meet and confer on this supplemental motion. Shimota Decl., ¶¶ 4–5, Exs. C–D. On October 13, 2023, the parties met and conferred. *Id.* at ¶ 5. Entropic then diligently filed this Motion for Leave the same day.

Entropic has met the good cause standard. Entropic could not have filed this motion by the September 11, 2023 deadline because Charter served Mr. Bakewell’s Second Supplemental Expert Report two weeks after this deadline. Additionally, Entropic’s Supplemental Motion to Strike is inextricably intertwined with Charter’s Opposed Motion to Amend the Docket Control Order. If Charter’s Opposed Motion is denied, Mr. Bakewell will have no technical basis for certain opinions within his Second Supplemental Expert Report because Dr. Almeroth’s Second Supplemental Expert Report will be excluded. This Opposed Motion remains pending before this

Court. For these reasons, Entropic respectfully requests that this Court grant Entropic's Motion for Leave.

Dated: October 13, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a) and served via email on all counsel of record on October 13, 2023.

/s/ James A. Shimota
James A. Shimota

CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL

This is to certify that the exhibits referenced in this motion and filed concurrently should be filed under seal because it contains material designated by the parties as confidential pursuant to the Protective Order entered in this case (Dkt. 36).

/s/ James A. Shimota
James A. Shimota

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel for Entropic has complied with Local Rule CV-7(h). Counsel for Entropic Communications, LLC and Charter Communications, Inc. met and conferred with local counsel on October 13, 2023. Charter opposes the relief sought in this Motion.

/s/ James A. Shimota
James A. Shimota